

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ARUANNO,  
Plaintiff,  
  
v.  
  
I.R.S.,  
Defendant.

Case No. [22-cv-08915-PJH](#)

**ORDER OF TRANSFER**

Re: Dkt. No. 2

Plaintiff, a New Jersey state prisoner, proceeds with a pro se civil action against a governmental entity. Plaintiff is incarcerated in the District of New Jersey and raises a claim against defendants in that district. He states that the Internal Revenue Service sent to him at his prison his economic impact payment ("EIP") pursuant to the Coronavirus Aid, Relief, and Economic Security Act (The "CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020). He contends that the prison officials in New Jersey are withholding the funds from him and other prisoners. For relief, plaintiff seeks money damages and for his EIPs to be provided.

In *Scholl v. Mnuchin*, 494 F. Supp. 3d 661 (N.D. Cal. 2020) this court found that the Department of Treasury and Internal Revenue Service could not withhold advance refunds or credits to individuals solely because they were incarcerated. *Id.* at 692. To the extent plaintiff requests to proceed with his claim in this court and the *Scholl* case, any such request is denied. Plaintiff's claim involves entirely different defendants located in the District of New Jersey. Plaintiff's claim involves interference by prison officials in withholding his EIPs, not the issuance of funds by the *Scholl* defendants and the CARES Act.

Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). This case is **TRANSFERRED** to the United States District Court for the District of New Jersey. See 28 U.S.C. § 1406(a). The pending motion (Docket No. 2) is denied as moot.

**IT IS SO ORDERED.**

Dated: February 9, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON  
United States District Judge

United States District Court  
Northern District of California